

OGC 77-7092

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MEMORANDUM FOR: Special Assistant to the Deputy Director of Central Intelligence

ATTENTION : Cord Meyer

FROM :
Assistant General Counsel

SUBJECT : Senator Ribicoff's Anti-Terrorism Act of 1977

REFERENCE : Your Memo to General Counsel, dated 3 November 1977,
Same Subject

1. You have requested this Office to review and comment on an Omnibus Anti-Terrorism Act of 1977 proposed by Senator Abraham Ribicoff. Beyond the general impact the bill's organizational changes would have upon the Agency's collection and dissemination of intelligence concerning terrorist activities, there appears to be no provision which would directly affect CIA or the DCI except as noted below.

2. The replacement Order for Executive Order 11905, when executed, will require the Policy Review Committee of the National Security Council, chaired by the DCI, to promulgate and establish priorities among requirements for national foreign intelligence which is defined to include information concerning international terrorist activities. In addition, the Special Coordination Committee of the NSC, which includes the DCI and is chaired by the Assistant to the President for National Security Affairs, will be charged with establishing policy regarding the objectives, priorities, direction, and conduct of national foreign counterintelligence activities, defined also to include international terrorist activities and, among other things, to resolve conflicts in the implementation of that policy, approve proposed activities in this area, and prepare an annual assessment for the President regarding international terrorist activities. The Order also grants the DCI full and exclusive authority for approval of the National Foreign Intelligence Program budget, which will include outlays in the area of anti-terrorism, and recognizes the DCI as the focal point for coordination of intelligence relationships with foreign governments and as the chief implementor of PRC requirements through the establishment of the National Intelligence Tasking Center. The NITC transforms PRC requirements into specific intelligence objectives and targets and coordinates national foreign intelligence collection efforts. Finally, CIA is authorized to coordinate foreign counterintelligence and

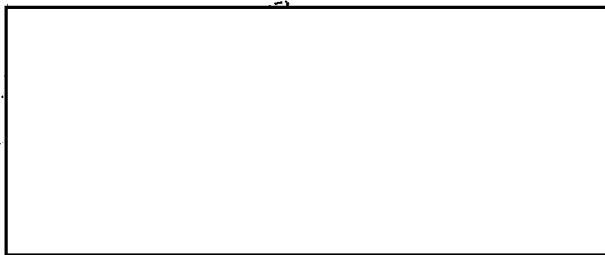
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classified foreign intelligence collection activities. The proposed "Council to Combat Terrorism" established by Sections 101 and 102 of the bill would appear to overlap and duplicate much of the activities of these entities. While this Council would include the DCI and other members of the NSC committees described, it might be advisable to mesh this terrorism function into the existing NSC structure rather than creating a parallel organization with crossing lines of authority and responsibility.

3. The unclassified report on "terrorist enterprises" required of the President by Section 104 of the bill following any terrorist act affecting U.S. citizens could pose a problem for CIA in terms of exposure of intelligence sources and methods. The bill allows a classified report to the Intelligence Committees of information which would "directly threaten" or "seriously compromise" a source or method. However, an indirect threat may be as dangerous to a source, and an unqualified compromise may be as serious to a method. Further, for the purposes of complete reporting and in the event of an extended siege of some kind, the report should be required within a specific time period following the consummation, rather than the commencement, of such an act.

4. The list of dangerous foreign airports required to be made available to the public by Section 107, while a fine idea so long as kept in general terms, would appear to constitute a valuable compilation of useful information for real or potential terrorists insofar as it also is required to include "a description of the safety and security deficiencies of each airport on the list."



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